

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF NEW YORK**

JORDAN WYCKOFF, DARWIN COX,  
Individually and on Behalf of All Those  
Similarly Situated,

Plaintiffs,

v.

OFFICE OF THE COMMISSIONER OF  
BASEBALL, an unincorporated association  
doing business as MAJOR LEAGUE  
BASEBALL; ALLAN H. SELIG; ROBERT  
D. MANFRED, JR.; KANSAS CITY  
ROYALS BASEBALL CORP.; MIAMI  
MARLINS, L.P.; SAN FRANCISCO  
BASEBALL ASSOCIATES LLC; BOSTON  
RED SOX BASEBALL CLUB L.P.;  
ANGELS BASEBALL LP; CHICAGO  
WHITE SOX LTD.; ST. LOUIS  
CARDINALS, LLC; COLORADO ROCKIES  
BASEBALL CLUB, LTD.; THE BASEBALL  
CLUB OF SEATTLE, LLLP; THE  
CINCINNATI REDS, LLC; HOUSTON  
BASEBALL PARTNERS LLC; ATHLETICS  
INVESTMENT GROUP, LLC; ROGERS  
BLUE JAYS BASEBALL PARTNERSHIP;  
CLEVELAND INDIANS BASEBALL CO.,  
L.P.; CLEVELAND INDIANS BASEBALL  
CO., INC.; PADRES L.P.; SAN DIEGO  
PADRES BASEBALL CLUB, L.P.;  
MINNESOTA TWINS, LLC;  
WASHINGTON NATIONALS BASEBALL  
CLUB, LLC; DETROIT TIGERS, INC.; LOS  
ANGELES DODGERS LLC; LOS ANGELES  
DODGERS HOLDING COMPANY LLC;  
STERLING METS L.P.; ATLANTA  
NATIONAL LEAGUE BASEBALL CLUB,  
INC.; AZPB L.P.; BALTIMORE ORIOLES,  
INC.; BALTIMORE ORIOLES, L.P.; THE  
PHILLIES; PITTSBURGH ASSOCIATES,  
L.P.; NEW YORK YANKEES P'SHIP;  
TAMPA BAY RAYS BASEBALL LTD.;  
RANGERS BASEBALL EXPRESS, LLC;  
RANGERS BASEBALL, LLC; CHICAGO  
CUBS BASEBALL CLUB, LLC;  
MILWAUKEE BREWERS BASEBALL  
CLUB, INC.; MILWAUKEE BREWERS  
BASEBALL CLUB, L.P.,

Defendants.

Case No. 1:15-cv-05186-PGG

Hon. Paul G. Gardephe

**CLASS ACTION**

**NOTICE OF MOTION**

PLEASE TAKE NOTICE THAT, upon the accompanying Declaration of Thomas E. Gorman, dated November 6, 2015, and the exhibit attached thereto; the Memorandum of Law, dated November 6, 2015; and all other pleadings and papers had herein, Defendants will move this Court at the United States Courthouse, 40 Foley Square, New York, New York 10007, at such date and time as the Court may direct, for an Order (1) dismissing Plaintiffs' antitrust claims in their entirety—against all Defendants—under Federal Rule of Civil Procedure ("Federal Rule") (12)(b)(6), and 2) dismissing Plaintiff Wyckoff's claims under the Fair Labor Standards Act against MIAMI MARLINS, L.P.; SAN FRANCISCO BASEBALL ASSOCIATES LLC; BOSTON RED SOX BASEBALL CLUB L.P.; ANGELS BASEBALL LP; CHICAGO WHITE SOX LTD.; ST. LOUIS CARDINALS, LLC; COLORADO ROCKIES BASEBALL CLUB, LTD.; THE BASEBALL CLUB OF SEATTLE, LLLP; THE CINCINNATI REDS, LLC; HOUSTON BASEBALL PARTNERS LLC; ATHLETICS INVESTMENT GROUP, LLC; ROGERS BLUE JAYS BASEBALL PARTNERSHIP; CLEVELAND INDIANS BASEBALL CO., L.P.; CLEVELAND INDIANS BASEBALL CO., INC.; PADRES L.P.; SAN DIEGO PADRES BASEBALL CLUB, L.P.; MINNESOTA TWINS, LLC; WASHINGTON NATIONALS BASEBALL CLUB, LLC; DETROIT TIGERS, INC.; LOS ANGELES DODGERS LLC; LOS ANGELES DODGERS HOLDING COMPANY LLC; STERLING METS L.P.; ATLANTA NATIONAL LEAGUE BASEBALL CLUB, INC.; AZPB L.P.; BALTIMORE ORIOLES, INC.; BALTIMORE ORIOLES, L.P.; THE PHILLIES; PITTSBURGH ASSOCIATES, L.P.; NEW YORK YANKEES P'SHIP; TAMPA BAY RAYS BASEBALL LTD.; RANGERS BASEBALL EXPRESS, LLC; RANGERS BASEBALL, LLC; CHICAGO CUBS BASEBALL CLUB, LLC; MILWAUKEE BREWERS BASEBALL CLUB, INC.; and MILWAUKEE BREWERS BASEBALL CLUB, L.P. under Federal Rule 12(b)(1) for lack of subject matter jurisdiction and under Federal Rule 12(b)(6) for failure to state a claim, together with such other and further relief as the Court deems just and proper.

Dated: November 6, 2015

Respectfully submitted,

KEKER & VAN NEST LLP

PROSKAUER ROSE LLP

By: /s/ Elliot R. Peters

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<sup>1</sup> Proskauer Rose LLP is not serving as counsel for the Baltimore Orioles Limited Partnership or Baltimore Orioles, Inc.